



United States
Department of
Agriculture

JUN - 7 2012

Food and
Nutrition
Service

Ms. Asya Calixto
PRINCE LOBEL TYE LLP
100 Cambridge St.
Boston, Massachusetts 02114

3101 Park
Center Drive

RE: Your Freedom of Information Act (FOIA) request, 2012-FNS-00034-A

Alexandria, VA
22302-1500

Dear Ms. Calixto:

This letter responds to your Freedom of Information Act (FOIA) appeal, tracking number **2012-FNS-00034-A**, dated **November 11, 2011**, which was received at the **Food and Nutrition Service (FNS)** on **November 14, 2011**. Your client wrote to the agency on April 18, 2011, and requested, "...the ten years of food stamp reimbursement data through the Supplemental Nutrition Assistance Program (SNAP) for financial years 2000 through financial year 2010, including retailer names, addresses, cities, state and reimbursement sums broken down by year."

FNS responded to your client's FOIA request on September 29, 2011, withholding all records in full, in accordance with the Food and Nutrition Act (FNA), 7 U.S.C. 2018 (c), and Title 7 Part 278 of the Federal regulations at 7 CFR 278.1 (q). Additionally, the information was also withheld under 5 U.S.C. 552 (b)(3) in accordance with the FOIA, because there is another statute that prohibits the release of the requested information.

In your appeal, you stated that FNS' response and the statute cited to withhold the records are incorrect. In accordance with Exemption 3 of the FOIA, an agency may withhold records "specifically exempted from disclosure by statute." The FNA, 7 U.S.C. 2018 (c) states that an applicant retail food store or wholesale food stores are required to submit information, which may include relevant income and sales tax filing documents. The information you requested falls under this section of the FNA. Any person who publishes, divulges, discloses, or makes known in any manner or to any extent not authorized by Federal law (including a regulation), any protected SNAP information, shall be fined no more than \$1,000 or imprisoned no more than 1 year, or both.

The information requested also is prohibited from release under Title 7 Part 278 of the Federal regulations at 7 CFR 278.1 (q) which states, any information collected from retail food stores and wholesale food concerns, such as ownership information and sales and redemption data, may only be disclosed for purposes directly connected with the administration and enforcement of the Food and Nutrition Act.

Ms. Asya Calixto

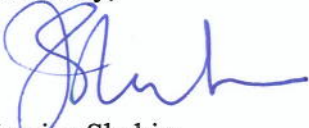
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We are continuing to withhold the requested information in accordance with Exemption 3 of the FOIA, the FNA, 7 U.S.C. 2018 (c), Title 7 Part 278 of the Federal regulations at 7 CFR 278.1 (q) and 5 U.S.C. 552 (b)(3) of the FOIA as explained above. We are denying your appeal in full.

If you are dissatisfied with our response to your appeal, you may seek judicial review in the appropriate United States District Court in accordance with the provisions of 5 U.S.C. 552(a)(4).

Prior to seeking judicial review, you may contact the Office of Government Information Services (OGIS). OGIS was created within the National Archives and Records Administration when the OPEN Government Act of 2007 amended FOIA. OGIS provides mediation of FOIA disputes between appellants and Federal Agencies. Participation in mediation does not affect your right to judicial review. Contact information for OGIS can be found at: <http://www.archives.gov/ogis/>.

Sincerely,



Jessica Shahin

Associate Administrator

Supplemental Nutrition Assistance Program